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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/060,757

01/29/2002

Kelan C. Silvester

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06/20/2006

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EXAMINER

JUNG, MIN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/060,757

Applicant(s)

SILVESTER, KELAN C.

Examiner

Min Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,9-11,19-21,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 2-8,12-18,22,23 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9-11, 19-21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US PG Pub., 2003/0071783.

Chen discloses wire/wireless dual mode operating input device.

Regarding claims 1, 9, 10, 11, 19, 20, 24, and 25, Chen teaches detecting a communications mode of the device as one of wireless communications mode and a wired communications mode (detection is inherently done by the user, see [0023]-[0026]); determining a data transmission quality of the device during operation of the device in the wireless communication mode ([0026] and [0030]); and switching the device from the wireless communication mode to a wired communication mode when the data transmission quality exceeds a predetermined threshold (user selects the preferred mode, [0026] and [0030]). Chen further teaches wireless interface (RF output unit 12 and antenna 120), and wired interface (the wire connecting port 15). See Fig. 4. Chen further teaches host device as shown in Fig. 3. Chen fails to specifically teach the determination of a data transmission error rate. Chen, however, teaches that the communication mode is switched when the interference in radio frequency is too

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disruptive for use in the wireless communication mode. It is well known in the filed of the invention that one way of determining interference is by determining transmission error rate. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement Chen's teaching by employing the well-known error rate determination scheme for determining the interference level.

Regarding claim 21, Chen further teaches the processor (11), communication interface (12 and 120), connection port (15), wired/wireless detection unit (auto switch 13) in addition to the recited functions as addressed above. Chen fails to specifically teach a storage device storing instructions to cause the processor to perform the recited functions. Chen, however, teaches the functions as addressed above. For the processor to perform the necessary functions it would require a set of instruction either built-in in the processor or separately accessible through a storage device. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include a storage device in Chen for storing a set of instructions for the processor to carry out its required functions.

### ***Allowable Subject Matter***

3. Claims 2-8, 12-18, 22, 23, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Kolls PG Pub., the Ehreth patent, the Coursey et al. patent, and the Akiyama et al. patent, are cited for further references.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday through Friday 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ  
June 15, 2006

  
Min Jung  
Primary Examiner